

BCC 2008-139  
June 6, 2008**RECEIVED**PHONE: (406) 258-4877  
FAX: (406) 721-4043

Senator Jon Tester  
United States Senate  
204 Russell Senate Office Building  
Washington, DC 20510-2604

JUN 11 2008

Ravalli County Commissioners

Dear Senator Tester:



The Missoula Board of County Commissioners wish to thank you for your continuing efforts to restore the uncommitted federal funding for the Miller Creek Road EIS project. Continuation of this project into its next phase is very important to Missoula County and Ravalli County residents. The attached letter from the Western Federal Lands Highway Division of the Federal Highway Administration provides additional background on the status of this project.

Time is of the essence in getting this funding restored. We are currently in the process of updating our Regional Transportation Plan and the Transportation Improvement Program (TIP). In order to comply with new requirements contained within SAFTEA-LU, our TIP must be financially constrained. Additionally, in order for the Federal Highway Administration to produce a Record of Decision (ROD) for the Miller Creek Road EIS, this project must be included in our TIP and at least a portion of the funding committed. The TIP should be completed by August and the ROD issued by September.

Given the need for projects in the region compared to our limited resources, it is our view that the only way this project is going to move forward is with your help in restoring the uncommitted funds that were originally allocated to the Miller Creek Road EIS (totaling approximately \$1.3 million). Your assistance in restoring these uncommitted funds will advance the project to the next phase and put Missoula County in a position of finding the balance of the resources necessary to complete the project.

Please advise us at your earliest convenience on whether restoration is possible so that we may include it in our Transportation Improvement Program. Thank you for your attention to this matter.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Jean Curtiss, Chair  
\_\_\_\_\_  
Bill Carey, Commissioner  
\_\_\_\_\_  
Larry Anderson, Commissioner

BCC/ppr

cc: Dwane Kailey, Montana Department of Transportation  
Ravalli County Commissioners  
Edwin M. Wood, Jr., Federal Highway Administration  
Craig Genzlinger, Federal Highway Administration  
Mike Kress, Office of Planning and Grants  
John Engen, Mayor, City of Missoula  
Steve King, City Public Works Director



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Senator Max Baucus  
United States Senate  
511 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Baucus:

The Missoula Board of County Commissioners wish to thank you for your continuing efforts to restore the uncommitted federal funding for the Miller Creek Road EIS project. Continuation of this project into its next phase is very important to Missoula County and Ravalli County residents. The attached letter from the Western Federal Lands Highway Division of the Federal Highway Administration provides additional background on the status of this project.

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Given the need for projects in the region compared to our limited resources, it is our view that the only way this project is going to move forward is with your help in restoring the uncommitted funds that were originally allocated to the Miller Creek Road EIS (totaling approximately \$1.3 million). Your assistance in restoring these uncommitted funds will advance the project to the next phase and put Missoula County in a position of finding the balance of the resources necessary to complete the project.

Please advise us at your earliest convenience on whether restoration is possible so that we may include it in our Transportation Improvement Program. Thank you for your attention to this matter.

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Larry Anderson, Commissioner

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cc: Dwane Kailey, Montana Department of Transportation  
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Congressman Dennis Rehberg  
House of Representatives  
516 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Rehberg:

The Missoula Board of County Commissioners wish to thank you for your continuing efforts to restore the uncommitted federal funding for the Miller Creek Road EIS project. Continuation of this project into its next phase is very important to Missoula County and Ravalli County residents. The attached letter from the Western Federal Lands Highway Division of the Federal Highway Administration provides additional background on the status of this project.

Time is of the essence in getting this funding restored. We are currently in the process of updating our Regional Transportation Plan and the Transportation Improvement Program (TIP). In order to comply with new requirements contained within SAFTEA-LU, our TIP must be financially constrained. Additionally, in order for the Federal Highway Administration to produce a Record of Decision (ROD) for the Miller Creek Road EIS, this project must be included in our TIP and at least a portion of the funding committed. The TIP should be completed by August and the ROD issued by September.

Given the need for projects in the region compared to our limited resources, it is our view that the only way this project is going to move forward is with your help in restoring the uncommitted funds that were originally allocated to the Miller Creek Road EIS (totaling approximately \$1.3 million). Your assistance in restoring these uncommitted funds will advance the project to the next phase and put Missoula County in a position of finding the balance of the resources necessary to complete the project.

Please advise us at your earliest convenience on whether restoration is possible so that we may include it in our Transportation Improvement Program. Thank you for your attention to this matter.

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Bill Carey, Commissioner

  
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John Engen, Mayor, City of Missoula  
Steve King, City Public Works Director





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Western Federal Lands Highway Division**

610 East Fifth Street  
Vancouver, WA 98661-3801  
(360) 619-7700 Fax: (360) 619-7846

April 2, 2008

Commissioner Larry Anderson  
Commissioner Bill Carey  
Commissioner Jean Curtiss  
Missoula County Board of Commissioners  
200 W. Broadway  
Missoula, MT 59802

In Reply Refer To: HFL-17  
File: 579  
#27626L\_JR

**RECEIVED**  
APR 7 2008

Board of  
County Commissioners

Dear Commissioners Anderson, Carey and Curtiss:

Disposition of FY 2002 PLHD funds  
MT PLD 2002(1), Miller Creek Road

The original \$5 million, identified by the United States Congress for this project, was included on the list of Public Lands Highways Discretionary (PLHD) program of projects in the Conference Report to the FY 2002 Appropriations Bill. The work identified in the Conference Report was to perform preliminary design and develop an Environmental Impact Statement for Miller Creek. PLHD funds expire three years after the fiscal year of the Bill as described in 23 U.S.C. 118(b)(2), unless they have been otherwise obligated.

Later, in the Conference Report to the FY 2004 Appropriations Bill, Congress inserted language that expanded the use of the funds to include final design and construction activities. The Conference Report did not "reset" the clock on the funds when this additional language was added, so the funds were still set to expire at the end of FY 2005.

In FY 2003, the Western Federal Lands Highway Division of the Federal Highway Administration entered into a contract with David Evans and Associates to develop the preliminary design and Environmental Impact Statement. The contract specified the preliminary design and Environmental Impact Statement be completed in February 2005, which would then leave time to obligate the remaining funds towards final design, provided the Record of Decision authorized a build action. However, the schedule to reach a Record of Decision has been extended several times and we have since passed the FY 2005 fund expiration time limit. Since FY 2005, development of the preliminary design and Environmental Impact Statement has continued under the previously obligated contract. To date \$3,271,000, of the original \$5,000,000 has been obligated towards this effort.

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**ECONOMY**

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Although these funds have expired, Western Federal Lands Highway Division will continue to pursue funds to make up the remaining balance of the \$5,000,000, provided they become available and can be used.

Sincerely yours,



For: Edwin (Ted) M. Wood, Jr.  
Project Development Engineer

cc: Scott Johnson, Director, FLH, FHWA, (HFL-1, E61-312)  
Nancy Singer, Public Affairs, FHWA, Washington, DC (HPA-1, E86-332)  
Stefan Natzke, Legislative Affairs, FHWA, Washington, DC (HPLS, E83-465)  
Craig Genzlinger, Operations Engineer, MT-FHWA (HDA-MT), Helena, Montana  
Kevin McLaury, Division Engineer, MT-FHWA (HDA-MT), Helena, Montana  
Phyllis Chun, Planning and Programs Manager, WFLHD  
Dan Donovan, Director, Office of Program Administration, WFLHD  
Clara Conner, Division Engineer, WFLHD  
Project file: MT PLD 2002(1)